

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

R&B – Decretal amount and proportionate costs awarded by the Hon'ble Court of Ist additional District Judge in E.P.No.21/2011 in O.S.No.35/2006 filed by Smt. C.Subbamma and another of Rajampet town – Depositing of 1/3rd of Decretal amount – Administrative Sanction – Orders – Issued.

TRANSPORT, ROADS AND BUILDINGS (R.I) DEPARTMENT

G.O.Rt.No. 444

Dated:28.04.2012.
Read the following:

1. E.P.No.21/2011 in O.S.No.35/2006 of Hon'ble Court of Additional District Judge, Kadapa.
2. ASMP No.2389 of 2011 in A.S.No.75 of 2011 of Hon'ble High Court of A.P.
3. From the C.E. (R&B) R.R, Lr.No.10317/DCE (HUDCO)/DEE1/AEE1/2012, Dt:30.01.2012.

O R D E R:

The Chief Engineer (R&B) Rural Roads in his letter 3rd read above, has informed that, during the removal of encroachments for widening of "Cuddapah-Renigunta Arkonam road in Cuddapah district", a three storied building collapsed and 10 persons were died and 3 were severely injured. The Magisterial Enquiry report of Joint Collector & Addl. Dist. Magistrate revealed that, the incident occurred out of sheer accidental circumstances and there is no lapse on the part of any Govt. Dept. or the JCB operators who removed the encroached portion of the building. However, exgratia was paid to the next Kith and Kin of the deceased and to the injured families by the Revenue authorities.

2. The mother (Smt. C.Subbamma) and sister (Dr.Pathakota Vani) of the deceased (Sri C.Sarath Kumar) and owner of the building, filed case against (1) Govt. of A.P. (2) District Collector, YSR Dist. (3) E.E. (R&B) Rajampet (4) RDO Rajampet (5) MRO Rajampet, vide O.S.No.35/2006 in the Hon'ble District Court of 1st Addl. Dist. Judge, Kadapa, seeking payment of Rs.2.30 Crores (i.e. Rs.30.00 lakhs towards loss sustained on demolition of the building and Rs.200.00 lakhs as compensation on account of death of their son Dr. C. Sarath Kumar Reddy). The Hon'ble Court on 28.04.2010 has passed decree in favour of the petitioners for Rs.1.30 Crores.

3. The Hon'ble District Court, Kadapa, has passed Decree for attachment of property of District Collector Office, to a tune of R.1.30 Crores. Subsequently, the Hon'ble High Court has granted conditional Stay on the stay petition, subject to depositing 1/3rd of the decretal amount and proportionate costs as awarded by the trial court.

4. The Chief Engineer (R&B) Rural Roads, has requested to sanction an amount of Rs.45,63,333/- for depositing 1/3rd of decretal amount i.e. (Rs.1,30,000,00 X 1/3 = 43,33,333/- + 2,30,000 costs awarded by trial court).

(Contd. 2 ..)

5. Government after careful examination of the matter and hereby accord administrative sanction for an amount of Rs.45,63,333/- (Rupees Forty Five Lakhs Sixty Three Thousand Three Hundred and Thirty Three Only) for depositing 1/3 of decretal amount and the costs awarded by the trial court in E.P.No.21/2011 in O.S.No.35/2006.

6. The amount sanctioned in para (5) above shall be debited to the head of account "5054-04-MH 800-Other Expenditure – GH.11 Normal State Plan – SH(32) Road works – 530-Major Works – 531-Other Expenditure (charged) and shall initially met from the contingency fund as an advance and orders regarding which will be issued by Finance (BG.I) Dept., separately.

7. The Chief Engineer (R&B) Rural Roads, Hyderabad shall also send necessary proposals to Finance (BG.I) Department at appropriate time during the current financial year 2012-13 for obtaining Supplementary Grant to recoup the advance sanctioned from contingency fund.

8. The Chief Engineer (R&B) Rural Roads, Hyderabad shall take necessary further action accordingly.

8. This order issues with the concurrence of Fin. Dept., vide their U.O.No.7333/291/A2/Exp PW/12, Dated:07.04.2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.SINGH,
PRINCIPAL SECRETARY TO GOVERNMENT

To:

The Chief Engineer (R&B) Rural Roads, Hyd.

The District Collector, YSR District, Kadapa.

Copy to:

The Accountant General, A.P., Hyd.

The Finance (Expr. PW) Dept.,

The Finance (BG.I) Dept.,

//FORWARDED BY ORDER//

SECTION OFFICER